

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUINTARA BIOSCIENCES, INC.,

Plaintiff,

No. 20-04808 WHA

v.

RUIFENG BIZTECH INC., et al.,

Defendants.

**ORDER RE MOTION
TO EXCLUDE AND
VACATING HEARING**

Defendants challenge plaintiff's Rule 26 disclosure and seek to preclude evidence. Their concerns with plaintiff's barebones disclosure appear valid at first glance, but the motion remains unripe. It will be best to wait until summary judgment to determine the scope and prejudicial effect of evidence not timely disclosed. Additionally, it appears that defendants did not adequately confer with plaintiff *before* filing this motion. A letter does not satisfy the requirement, else Rule 37 would have said "correspond." "Confer," as in "meet and confer" or as in "conference" means the parties joined in-person or virtually (hopefully the latter due to COVID-19) to hash out their grievances. The parties shall please abide by this understanding in the future. Given the equities remain speculative, this order reserves the matter of attorney's fees for a future motion. Defendants' motion is **DENIED WITHOUT PREJUDICE**. The December 17 hearing is **VACATED**.

IT IS SO ORDERED.

Dated: December 8, 2020.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE